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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/966,439	09/28/2001	Frederic Danis	FR 000101	6375

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EXAMINER

AMINZAY, SHAIMA Q

ART UNIT	PAPER NUMBER
2684	10

DATE MAILED: 03/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/966,439

Applicant(s)

DANIS, FREDERIC

Examiner

Shaima Q. Aminzay

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) Patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
2. Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Whitby et al. U. S. Patent Number 5,576,731, in view of Shimizu et al. U. S. Patent 6,512,437 B1.
3. Regarding claims 1, 2, 4, 6-7, 9-10, 12, and 14-16, Whitby discloses a receiver (element 3, Figure 1 and 2), a video display screen (5, Figure 1, and column 3, lines 55-56) receives encoded images (column 7, lines 10-18), video decoder (71a, Figure 2) decodes video images (column 7, lines 19-22; column 8, lines 22-26, and column 9, lines 16-22) and the variation being supplied as parameters to the video decoder (column 9, lines 11-15), a screen controller (4, Figure 1, and 2) for controlling the display of images on the screen (column 4, lines 67-68), and refreshing selective zones of the display screen (column 3, lines 45-49; column 13, lines 9-13, and Abstract, lines 10-15).

Whitby does not disclose a video motion detector.

Shimizu teaches a video motion detector (4, Figure 1) that detects variation between successive images and for driving motion information associated with identified object (Figure 1; column 7, lines 8-22, and lines 28-32), and a video encoder (2, Figure 1, lines 11-18).

It would have been obvious to one of ordinary skill in the art at the time invention was made to combine Shimizu's teaching of video motion detecting apparatus and method to be incorporated into Whitby's image display system because, it provides a receiver with video motion detecting function that can prevent strong flicker or light flash in a flat area from being detected as motion (Shimizu, column 2, lines 22-26), and a video display screen with "a high refresh rate by refreshing those portions of the screen where motion has been detected at a high rate and only occasionally refreshing the whole screen" (Whitby, Abstract, lines 12-15).

4. Regarding claims 3, 5, 11, and 13, Whitby and Shimizu are teaching claims 1, 6, and further, Shimizu teaches the motion detection using the motion vector on a flat or non-flat surface (column 4, lines 3-19) which are calculated by the video decoder and conformity of the video decoding, and or encoding with the MPEG standard (Abstract; column 1, lines 1-20 and 41-56; part of figures 1 and 4 below). Shimizu et al. does not expressly show that the motion vector is parallel to the image. However, he shows that the vector can be on a flat area (flat plane). This clearly suggests that since the vector is in a flat plane and the

image is in flat plane then the vector is parallel to the plane (column 4, lines 19-35).

Whitby et al. and Shimizu et al. are combinable because they share the same field of endeavor, namely refreshing selective area of the video displays where the motion is being detected. At the time of the applicant's invention, it would have been obvious to one of ordinary skill in the art to modify the method of detecting motion of images and refreshing selective portion of Whitby et al. to include the motion detection method using the motion vectors as with Shimizu et al and further more can be interpreted as the video objects being parallel to the image. The motivation to combine would have been to provide the video display refresher with the capability of refreshing selected zones (motion detection and refreshing those specific zones of the screen) to obtain the invention of claims 3, and 5. Further, since both references are motion detection, it would be a matter of replacing the motion detection of Whitby et al. with the conventional motion detection of Shimizu.

5. Regarding claim 8, Whitby and Shimizu teach claim 1, and further, Whitby teaches that the display of images on a device is a known art (Column 1, lines 16-20), and the input images (data) are being displayed and being controlled by the display system (Figure 2, system 3; Column 3, lines 62-65).

However Whitby does not specifically teach the use of portable electronic equipment having a video display screen. Whitby on the other hand teaches the

use of LCD.

It would have been obvious to one of ordinary skill in the art to utilize Whitby's LCD in any portable device. One would have been motivated in view of Whitby that the use of LCD is functionally equivalent to the desired display of portable equipment.

Response to Arguments

Applicant's arguments with respect to claims 1-8 have been considered but are moot in view of the new grounds of rejection. Regarding claim 5, the examiner broadly interprets the motion vector pertain in a flat area as a motion vector that would appear in flat area, and interpreted as the video objects being parallel to the image.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shaima Q. Aminzay whose telephone number is 703-305-8723. The examiner can normally be reached on 7:00AM-4:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOSEPH MANCUSO can be reached on 703-305-3885. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Shaima Q. Aminzay

S. A.

Art Unit 2684

February 18, 2004



JOSEPH MANCUSO
PRIMARY EXAMINER